House Judiciary Committee Civil Practice Subcommittee Amendment # 1

Amendment No. 1 to HB0306

<u>Buck</u>
Signature of Sponsor

AMEND   Senate Bill No. 233*   **House Bill No. 306**

By deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, is amended by adding the following as a new, appropriately numbered section:

40-17-__.

(a) Notwithstanding the provisions of any rule or statute to the contrary, in a criminal case in which the victim is less than thirteen (13) years of age and the defendant is charged with a sex offense specified in Tennessee Code Annotated, Title 39, Chapter 13, Part 5, or Tennessee Code Annotated Section 39-15-302, or any attempt, solicitation or conspiracy to commit those offenses, evidence of the defendant's prior conviction for another sex offense or offenses specified in Tennessee Code Annotated, Title 39, Chapter 13, Part 5, or Tennessee Code Annotated Section 39-15-302, is admissible, and may be considered for its bearing on any matter to which it is relevant, subject to the provisions of Rule 403 of the Tennessee Rules of Evidence.

(b) Notwithstanding the provisions of any rule or statute to the contrary, in a case in which the state intends to offer evidence under this section, the state shall disclose the evidence to the defendant, including a summary of the substance of any testimony that is expected to be offered, at least fifteen (15) days before the scheduled date of trial or at such later time as the court may allow for good cause.

(c) Nothing in this section shall be construed to limit the admissibility or consideration of evidence under any other rule or statute.

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SECTION 2. This act shall take effect January 1, 2002, the public welfare requiring it.